IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

MISC. CIVIL APPLICATION NO.1 OF 2007

Sow. Jayashri Kirankumar Banchod : Applicant

V/s.

Kirankumar Gorakshnath Banchod : Respondent

...

Mr.V.A.Shastry for the applicant.

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CORAM : S.A.BOBDE, J.

DATE : SEPTEMBER 03, 2007.

P.C.

1. None appears for the respondent event though it was made clear in the earlier order that the matter will be disposed of at this stage and even though the respondent is served.

2. This is the wife’s application for transfer of the divorce proceedings filed by the respondent-husband against her in the Family Court at Pune. The applicant had instituted proceedings for restitution of conjugal rights and has applied for maintenance in those proceedings. She has also applied for maintenance under section 125 of the Code of Criminal Procedure. The learned counsel for the applicant states that those

proceedings are pending. It is important to note that those proceedings have been filed at Dhule and the respondent-husband has been attending those proceedings at Dhule.

3. Having regard to the fact that the applicant is apparently a housewife from a rural background and presently residing in a small village called ‘Dhondaicha’ in Dhule district and having regard to the fact that the husband appears to be a software processor in the computer industry vide the application for maintenance filed by the applicant, it would be appropriate in the interest of justice that the proceedings in the Family Court at Pune be transferred to the Court at Dhule for hearing and disposal.

4. Accordingly, this Application is allowed in terms of prayer clause (B) which reads as follows:-

> "(B) Rule may kindly be made absolute and the proceedings registered as P.A. No.580/2006 in the Family Court at Pune be transferred to Civil Judge, Senior Division, Dhule."

Order accordingly.

S.A. BOBDE, J.